

Introduced by Senator Romero

February 16, 2007

An act to add Section 6357 to the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

SB 304, as introduced, Romero. Prisons: media access.

Existing law grants certain rights to inmates in state prisons. Existing regulation allows media representatives access to state prisons with prior approval, and allows random interviews with inmates.

This bill would require the Department of Corrections and Rehabilitation, upon reasonable notice, to permit representatives of the news media to interview prisoners in person, as specified. The bill would forbid retaliation against an inmate for participating in a visit by, or communicating with, a representative of the news media.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6357 is added to the Penal Code, to read:
- 2 6357. (a) The Department of Corrections and Rehabilitation,
- 3 upon reasonable notice, shall permit representatives of the news
- 4 media to interview prisoners in person, including prearranged
- 5 interviews with specified prisoners and individuals encountered
- 6 by a representative of the news media while covering a facility
- 7 tour, activity, event or program.
- 8 (b) During any interview with a prisoner, a representative of
- 9 the news media may use materials and equipment necessary to
- 10 conduct the interview, including, but not limited to, pens, pencils,

1 papers, and audio and video recording devices. These items shall
2 be subject to search for the purpose of protecting against an
3 immediate and direct threat to the security of the institution.

4 (c) A news media representative who desires to conduct a
5 prearranged interview at an institution shall make the request within
6 a reasonable time period prior to the requested interview in writing
7 to the warden or through contact with the institution's public
8 relations office.

9 (d) Staff shall notify an inmate of each interview request, and
10 no interview shall be permitted without the inmate's consent.

11 (e) An inmate may not receive compensation or anything of
12 value for interviews with the news media.

13 (f) The warden or the warden's designated public relations or
14 custodial official shall, within 48 hours of receiving an interview
15 request, notify the news media representative making the request
16 whether the interview has been granted.

17 (g) After the warden or the warden's designated public relations
18 or custodial official grants a request for an interview, staff shall,
19 at least two business days prior to the interview, notify any victims
20 of the inmate who have previously notified the warden or
21 Department of Corrections and Rehabilitation that they wish to be
22 contacted in the event of an interview request that an interview
23 has been granted.

24 (h) The warden or his or her designee may deny an interview
25 with a particular prisoner if it is determined that the interview
26 would pose an immediate and direct threat to the security of the
27 institution or the physical safety of a member of the public. Within
28 a reasonable period of time, the representative of the news media
29 shall receive an explanation of the specific reasons for the denial.
30 In order to ensure the security of the institution, the physical safety
31 of the public, and the efficient administration of news media
32 interviews, the department may establish reasonable time, place,
33 and manner restrictions for prison interviews, including limitations
34 on the number of interviews per prisoner in a specified time period,
35 limitations on the amount of audio, video, and film equipment
36 entering the facility for the interview, and arrangements for pool
37 interviews if the number of journalists requesting to interview any
38 one prisoner is excessive.

39 (i) No prisoner or parolee may have his or her visitation limited
40 or revoked because of a visit or potential visit from a representative

1 of the news media, nor may a prisoner or parolee be punished,
2 reclassified, disciplined, transferred to another prison against his
3 or her wishes, or otherwise retaliated against, for participating in
4 a visit by, or communicating with, a representative of the news
5 media.

6 (j) Interviews shall not be subject to auditory monitoring.

7 (k) For the purposes of this section, “representative of the news
8 media” means a journalist who works for, or is under contract to,
9 a newspaper, magazine, wire service, book publisher, or radio or
10 television program, or station or who, through press passes issued
11 by a governmental or police agency, or through similar convincing
12 means, can demonstrate that he or she is a bona fide journalist
13 engaged in the gathering of information for distribution to the
14 public.

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